

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

ANTHONY T. MALCOMB,

Plaintiff,

v. Civil Action No. 2:09-cv-00647

DR. RAJA,
PRIMECARE MEDICAL OF WEST VIRGINIA, INC.,
DR. ANTOINE KATINY, and
NURSE PRACTITIONER VICKIE SMITH,

Defendants.

MEMORANDUM OPINION AND ORDER

This action was previously referred to Mary E. Stanley, United States Magistrate Judge, who has submitted her Proposed Findings and Recommendation pursuant to the provisions of 28 U.S.C. § 636(b) (1) (B) .

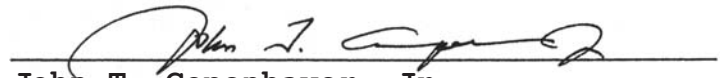
The court has reviewed the Proposed Findings and Recommendation entered by the magistrate judge on March 29, 2010. The magistrate judge recommends denial of the motion to dismiss filed by defendant Dr. Raja. The parties have not objected to the Proposed Findings and Recommendation. The court concludes the recommended disposition is correct.

Accordingly, it is ORDERED that:

1. The Proposed Findings and Recommendation be, and it hereby is, adopted by the court;
2. Defendant Dr. Raja's motion to dismiss be, and it hereby is, denied.

The Clerk is directed to forward copies of this written opinion and order to the pro se plaintiff, all counsel of record, and the United States Magistrate Judge.

DATED: April 21, 2010


John T. Copenhaver, Jr.
United States District Judge